

REVISED

**PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING
THURSDAY, AUGUST 22, 2007 – 10:00 AM
CITY HALL, 8TH FLOOR
COMMISSION CONFERENCE ROOM**

BOARD MEMBERS PRESENT

Peter Partington, City Engineer
Mark Darmanin, Utilities Distribution, and Collections Manager
Tony Irvine, City Surveyor
Tom Terrell, Public Works Maintenance Manager
Anthony Fajardo, Planner II
Carol Ingold Mordas, Parks Supervisor
Bob Duncel, Assistant City Attorney III
Victor Volpi, Senior Real Estate Officer
Catherine McCaffery, Director, Business Enterprise

STAFF AND GUESTS

Chris Palamara, Resident
Stephen Matthews, Resident
Diane Ratcliff, Resident
Joe Holland, Resident
Scott Lamont, EDSA
Valerie Aymer, EDSA
Barbara Hall, Greenberg Traurig
Rebekah Salguero, Greenberg Traurig
Elizabeth Rivera, Recording Clerk, Prototype Inc.

CALL TO ORDER

Mr. Partington called the meeting to order at 10:05 a.m. and stated this was a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property and public right-of-way.

Following roll call, it was determined that a quorum was present.

ITEM ONE: **APPROVAL OF JULY 19, 2007 MINUTES**

Motion made by Mr. Irvine, seconded by Mr. Darmanin, to approve the July 19, 2007 minutes. In a voice vote, the motion passed unanimously.

ITEM TWO: **MAINTENANCE AGREEMENT AND PERMIT TO PAVE
ALLEY, 1208 SW 4 STREET**

ADDRESS OR
GENERAL LOCATION: 1208 SW 4 Street

EXPLANATION: Item deferred from 7/19/07 meeting to allow time for
applicant to pull permit

APPEARANCE: Chris McShane, Applicant

Mr. Terrell moved to table this item as the applicant was not present. The motion died for lack of second.

Mr. Volpi read into the record an email received by the Committee members from Mr. McShane dated July 19, 2007 outlining his proposed plans. Mr. Volpi stated he had advised Mr. McShane that he could pave the road consistent with what is already there, and would need to obtain a permit. Mr. Volpi thought Mr. McShane had applied for a new permit, but he had not received any paperwork in that regard.

Mr. McShane then arrived at 10:15 a.m. He explained his plans to keep the pavers consistent in an identical matching fashion and to comply with all engineering plans of the City to install the pavers at his expense. To date, he has retained a paving company, although he stated the requirements received from the City Engineer are more extensive than he had originally thought, including obtaining topographical surveys of the alley. He is currently in the process of having the contractor draw up the plans based upon the survey and City requirements to submit for the final permit.

Mr. Terrell explained, regarding the City rocking the alleyway in from the brick paver portion to the end of the roadway and, if they City were to do that, it would create a larger expense for Mr. McShane to have to remove the rock and then build a base for the pavers. Consequently, he did not feel it would be a good idea for the City to put rock in the alleyway.

It was suggested by Mr. Partington that a time certain be placed on Mr. McShane and if his plans are not completed, then the City should rock the alleyway as originally stated. At this point, Mr. Irvine felt the Committee should give its approval, with enforcement of the time period to be handled by City staff; however, Mr. Partington felt the Committee should have input in that regard.

Mr. Terrell noted the City generally does not maintain alleys and the correct action would be if Mr. McShane does not get his permit, no further action should be taken, including rocking of the alley by the City. Mr. Partington did not agree, stating that their goal is preserving the public right-of-way through that area. Mr.

Darmanin proposed, in the event no further action is taken by Mr. McShane, that the City remove the existing brick pavers and grass the entire area back in, as opposed to creating a worse situation by rocking in the alleyway. Mr. Partington pointed out a permit had been issued to rock the alleyway and did not know if Mr. Darmanin's idea was viable.

Mr. Partington suggested the Committee endorse authorizing him to permit the rocking of the remainder of the alley only if the pavers do not take place within a time certain.

Mr. Darmanin also pointed out that there would not be a one time cost to rock the alleyway as ongoing maintenance would be required, which he did not know if the utilities department would be willing to assume. He added that, opposed to pursuing the involuntary removal of the bricks if Mr. McShane does not complete his plans, Mr. Darmanin wondered if Mr. McShane would voluntarily remove the pavers. Mr. McShane stated he could not agree to that, but has "all intentions of going forward" having spent quite a bit of money on the project so far. He did agree, however, that he would be responsible to maintain the area once completed.

Ms. Ingold-Mordas questioned allowing a gravel (rock) roadway when the City does not permit gravel "mulching," and was advised by Mr. Partington that the gravel would be compacted. She also pointed out the perception of a gravel roadway being for public access as opposed to a grass area which appears to be private property, addressing her comment from a public safety concern.

Mr. Terrell asked if the City Engineer, under the paving contract, would be willing to take responsibility maintenance of the alleyway.

Mr. Partington then asked for input from the public.

- ♦ Mr. Stephen Mathews – expressed support for any solution which will continue to allow public access to the rear of the property (other than grass).
- ♦ Christopher Palamara – stated it is generally believed by the public that the alleyway is a private driveway, cars park in the area, and suggested putting in a stop sign; he pointed out that the alleyway in its entirety is from 4th Street to approximately 4th Court, that each resident has historically maintained the alleyway adjacent to their property, and was concerned with giving Mr. McShane the responsibility to maintain the entire alleyway.
- ♦ Diane Ratcliff – felt part of the solution would be no parking signs and stated the portion with dirt and grass flood and sink down after rain; she

supported putting in the gravel and then letting Mr. McShane complete his proposal.

Mr. McShane, addressed his neighbor's comments, explaining that correspondence had been received from several neighbors with "overwhelming" concurrence that nothing be done in the alleyway.

Mr. Irvine stated he would like to see the entire project of the alley – what is there now and what will be put in the future – encompassed under one agreement, one set of terms including maintenance, etc. Mr. Dunckel stated an agreement of that sort would take the form of a "revocable license" which would need to go before the City Commission for approval and bonding, imposing future maintenance obligations on the property running with the land. A lien could also be placed on the land if necessary as Mr. McShane has agreed to waive homestead or, alternatively, if there are repeated failures of maintenance, the City will remove the pavers and re-rock the area. Mr. McShane agreed to the terms as outlined by Mr. Dunckel.

As far as time lines, Mr. Dunckel suggested bringing the matter back before the Committee in sixty days with an engineering permit conditioned upon the revocable license being approved by the City Commission.

Mr. Irvine was "nervous" about setting precedence by the City in rocking the alley.

Motion made by Mr. Dunckel, seconded by Mr. Darmanin to recommend completion of the alley in the same style of pavers that already exist; that this be accomplished through a revocable license to be approved by the City Commission; that the revocable license will provide for ongoing maintenance which will be an obligation of the property owned by Mr. McShane, running with the land should it be sold; there would be a waiver of homestead allowing the City the ability to impose a claim of lien against the property if the City has to come in and maintain the alley; and for repeated violations with regard to maintenance of the alley the revocable license could be rescinded; an engineering permit will need to be issued with the permit conditioned upon the grant of the revocable license by the City Commission; and that there be a time limit of four months for the project to be completed (from the point the revocable license is fully executed).

Mr. Irvine offered an amendment to the motion to add a requirement that the engineering permit application be submitted by October 5, 2007, which amendment was accepted by Mr. Dunckel and seconded by Mr. Darmanin.

In a voice vote, the motion passed unanimously.

Mr. McShane expressed concern regarding possible delays by the County due to drainage requirements.

[Mr. Partington was briefly excused from the meeting; Mr. Irvine took over as Chair.]

ITEM THREE: VACATION OF A PORTION OF A SANITARY SEWER EASEMENT

ADDRESS OR
GENERAL LOCATION: 917 Sunrise Lane

EXPLANATION: Request for positive recommendation to vacate
 portion of sanitary sewer easement

APPEARANCE: Rebekah D. Salguero/Greenberg Traurig
 Agents for Owner

Mr. Volpi read Item Three into the record.

Mr. Dunckel pointed out that the Certificate by the City Engineer has not yet been issued, asking if they were in a posture where the City could now issue the Certificate. He confirmed the applicant is also looking to vacate and relocate a portion of the easement.

Ms. Hall, Greenberg Traurig, stated this is part of an overall plan to refurbish the Holiday Inn building and build a new parking garage to service the facility. She provided photographs of the property, as well as discussed the 1968 offsite parking and encroachment agreements. The current plan will not necessitate vacating the sanitary sewer line and will not be encroaching. Two retail stores will be constructed fronting Sunrise Boulevard, with an open arcade area where the sanitary sewer is located, and the bump-out area under the second level of the garage will be relocated into the sewer easement.

Subsequent to discussions with Ms. Sharon Miller, Ms. Hall was given the suggestion to go back to the City Commission on Resolution 99-58, having them modify same to replace it with the area actually being vacated. Ms. Hall stated they will not need an encroachment agreement as the second level of the parking garage will not be over the ten foot sanitary sewer easement.

Mr. Holland indicated that the Central Beach Alliance is interested in an agreement to allow public parking considerations by the developer in the proposed parking garage.

Discussion continued regarding pump around plans, as well as a blockage in the original line through the existing utility corridor which was rerouted and linked back in. Mr. Johnson explained they would be digging up the area to reestablish a new line with proper grades.

Ms. Hall did confirm that the City would require the developer to make the line functional when relocated, with the vacation to be signed off by the City Engineer, and if alternative plans are proposed, they will return to the PROW.

Manholes and filtration testing were also discussed.

Motion made by Mr. Dunckel, seconded by Mr. Terrell, to recommend approval of vacation and relocation by way of amending Resolution 99-58. In a voice vote, the motion passed unanimously.

Ms. Hall asked that discussion begin on a plan for staging for construction. She was not asking for an approval, only that she be made aware of any "flags" or items the Committee believes should be worked on at this time. The hotel will be under renovation at the same time the parking garage is being constructed and they will need a staging plan for construction and construction trailers. This particular area of the property is DOT surplus right-of-way and is currently landscaped. Part of their agreement in connection with approval of the projects is to re-landscape the surplus right-of-way. Discussions have begun with DOT and Permitting regarding obtaining a permit to use that area as a staging area during construction and then, upon completion, to re-landscape. So far, there have been no objections voiced. She asked the Committee for their thoughts and the process they would like to be followed in getting the approvals.

Mr. Dunckel noted that along Sunrise Lane, it looks like there would be a partial road closure with the construction fence within the limitations of the right-of-way which would typically require a revocable license. He also noticed a "disconnect" between the graphic and written materials provided, as in the written materials it is acknowledged that the right-of-way cannot be used for staging, yet the graphic shows a staging area. Mr. Dunckel explained they could use the area for back and forth transit and offloading, but the materials would need to be moved as quickly as possible. Ms. Hall stated there may be times there is scaffolding there. City Parking has been advised, and to the extent that there will

temporarily be spaces eliminated, Ms. Hall acknowledged she understood they would have to pay the cost.

It is anticipated that, at this point, the staging area will impact parking for the Air Show. Construction is expected to commence December 2007 to January 2008 with an anticipated opening date in 2009.

Mr. Dunckel asked, with respect to the provision which allows property to be used for staging for public construction projects, if there are any similar provisions with respect to private construction. Mr. Fajardo responded that he believed there were such provisions.

Mr. Irvine expressed concern regarding concealing the construction trailer on Sunrise and A1A. Ms. Hall claimed there would be "attractive" fencing enclosing the trailer area which will not create a line of sight issue.

Mr. Irvine requested that a copy of the meeting minutes be forwarded to the DRC to address any concerns they may have at the time they consider this request.

Ms. Hall asked for a contact at the City to coordinate efforts regarding the Air and Sea Show.

WALK-ON ITEM: STAGING PERMIT

ADDRESS OR
GENERAL LOCATION: 1040 NW 20 Street

EXPLANATION: Request for positive recommendation to use 1040 NW 20 Street as a staging area for Water Works 2011 project.

APPEARANCE: Barbara Howell, Water Works 2011

Mr. Volpi read this item into the record. Ms. Howell was not in attendance. It was noted that even though Ms. Howell was not present, the materials provided would be sufficient to continue discussion.

Mr. Irvine pointed out that Foster Marine has been working along with Water Works 2011 and their sites are well organized and a "stand out."

Motion made by Mr. Darmanin, seconded by Mr. Terrell to approve.

Mr. Fajardo, in looking at the routing plan, stated there may be an opportunity to reroute the construction to keep trucks out of the neighborhood.

Mr. Dunckel proposed an amendment to the motion, seconded by Mr. Terrell, to approve, pending subject to further review by a designee of the City Engineer as to the circulation pattern and possible access directly from 19th Street.

In a voice vote, the motion passed unanimously.

Two items were requested by Mr. Darmanin to be added to the next meeting agenda: Updates to Palmdale pump station and the sludge pit on Peters Road.

There being no further business to come before the Committee the meeting adjourned at 11:24 a.m.